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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/800,194	03/06/2001	Roger Bastin	8673-115 (11051-12)	3403
7	590 08/11/2004		EXAM	INER
Frank Chau, Esq. F. CHAU & ASSOCIATES, LLP Suite 501 1900 Hempstead Turnpike East Meadow, NY 11554			FOX, JAMAL A	
			ART UNIT	PAPER NUMBER
			2664	
			DATE MAILED: 08/11/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
,	09/800,194	BASTIN, ROGER
Office Action Summary	Examiner	Art Unit
	Jamal A Fox	2664
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a repl if NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ti y within the statutory minimum of thirty (30) da will apply and will expire SIX (6) MONTHS fron s, cause the application to become ABANDON	mely filed ys will be considered timely. n the mailing date of this communication. ED (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on <u>06 N</u>	larch 2001.	
2a)☐ This action is FINAL . 2b)☒ This	action is non-final.	
3) Since this application is in condition for allowa closed in accordance with the practice under B		
Disposition of Claims		
4)⊠ Claim(s) <u>1-8</u> is/are pending in the application.		
4a) Of the above claim(s) is/are withdra	wn from consideration.	
5) Claim(s) is/are allowed.	,	
6)⊠ Claim(s) <u>1 and 5</u> is/are rejected.		
7)⊠ Claim(s) <u>2-4 and 6-8</u> is/are objected to.		
8) Claim(s) are subject to restriction and/o	r election requirement.	
Application Papers		
9) The specification is objected to by the Examine	er.	
10)⊠ The drawing(s) filed on <u>06 March 2001</u> is/are:		o by the Examiner.
Applicant may not request that any objection to the	drawing(s) be held in abeyance. Se	e 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correct	ion is required if the drawing(s) is ob	pjected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Ex	caminer. Note the attached Office	Action or form PTO-152.
Priority under 35 U.S.C. § 119		
12)⊠ Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a)-(d) or (f).
a)⊠ All b)□ Some * c)□ None of: 1.□ Certified copies of the priority document	a have been received	*
1. Certified copies of the priority document2. Certified copies of the priority document		ion No. 00/800 104
3. ☐ Copies of the certified copies of the prior	• •	
application from the International Burea	•	oo iii diio Madonal Olage
* See the attached detailed Office action for a list		ed.
Attachment(s)		
Notice of References Cited (PTO-892)	4) 🔲 Interview Summary	(PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail D	ate
B) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/7/01 & 3/11/04</u> .	6) Other:	Patent Application (PTO-152)

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Knappe et al. (U.S. Patent No. 6,603,774).

Referring to claim 1, Knappe et al. discloses a method of compensating within a receiving endpoint (endpoint, col. 1 line 55-col. 2 line 21) for lost audio packets transmitted across an IP network (packet network 18, col. 2 lines 44-63), comprising the steps of:

storing a packet buffer of samples (sample buffer, col. 4 line 60) as a plurality of sub packets (compressed frames, col. 4 line 65-col. 5 line 1) within a buffer;

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inserting at least one interpolated (interpolated, col. 5 lines 35-43) sub packet between successive sub packets in said buffer; and

playing out (sent, col. 5 lines 40-45) said sub packets from said buffer.

Referring to claim 5, Knappe et al. discloses the method of claim 1, further comprising the step of inserting interpolated sub packets between every other one (one or two, col. 5 lines 35-43) of said sub packets in said buffer.

Allowable Subject Matter

3. Claims 2-4 and 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (703) 305-5741. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Jamal A. Fox

WELLINGTON CHIN SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2600